

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

FRESENIUS MEDICAL CARE HOLDINGS,  
INC., a New York corporation; and FRESENIUS  
USA, INC., a Massachusetts corporation,

Plaintiffs and Counter-  
Defendants,

v.

BAXTER INTERNATIONAL, INC., a  
Delaware corporation; and BAXTER  
HEALTHCARE CORPORATION, a  
Delaware corporation,

Defendants and Counterclaimants.

Case No. C 03-01431 PJH

**[PROPOSED] ORDER RE-SETTING  
HEARING DATE**

Pursuant to the Court's Order dated June 3, 2011 (Docket No. 1098), the parties have advised the Court that they are unavailable on the proposed date of August 2, 2011, for an evidentiary hearing in this matter. The parties have jointly requested that the evidentiary hearing be re-set to the alternative date of December <sup>2</sup>~~12~~, 2011 as set forth in Docket No. 1098, and the Court grants that request. The evidentiary hearing on Baxter's remand motion will be held on December <sup>2</sup>~~12~~, 2011, commencing at 9:00 a.m.

Additionally:

- (i) the current briefing schedule will remain in place;
- (ii) to the extent any relevant authority becomes available after briefing is concluded, the parties will address it by letter submission only; and
- (iii) should the Court notify the parties that a date earlier than December <sup>2</sup>~~12~~ is available, the parties will confer in good faith to determine if counsel and witnesses are available to proceed on the earlier date.

IT IS SO ORDERED.

Dated: June 30, 2011

